

Solid Waste Landfill Closure Responsibilities (ver 10-1/95)

A. Regional Offices - Solid Waste Compliance Staff (RSWCS)

1. Receive, acknowledge receipt, and maintain the notice that a closure plan has been placed in the landfill's operating record and/or the notice that the current closure plan in the operating record has been changed (i.e., amended).
2. Provide the Office of Spill Response and Remediation (OSRR), with copies of the closure and post closure cost estimates and liability insurance documentation from existing permits.
3. Receive, acknowledge receipt, and maintain the facility's A notice of intent to close (NOITC).
4. Receive requests for alternate final cover design and side slope stability calculations. Acknowledge receipt, and forward a copy to the Office of Permitting Management/Solid Waste (OPM) for review, handling, approval, and/or permit modification, as appropriate. All requests for alternate final cover design require prior approval of the Director. The Director has delegated the authority for this approval to the OPM Manager. Additionally, requests for alternate final cover design may require a permit modification (i.e., major amendment).

Note: Regional waste compliance staff should provide the OPM with the compliance status and field conditions of the facility, on all applicable issues, when forwarding any documents to OPM for action on the permit or closure plan.

Note: For correspondence that is received in the regional offices but is to be forwarded to OPM for handling, the acknowledgement of receipt, sent to the facility contact, should indicate that the request has been forwarded to OPM for handling and provide the name of an OPM contact person.

Note: Landfills with permits that do not include a closure plan as a part of the permit, and do not have a DEQ approved closure plan in the operating record for the facility, (typically the older, one page permits), will not be required to obtain a permit amendment when modifying the closure plan in the operating record to reflect an approved alternate final cover design. Landfills with permits that do include a closure plan as a part of the permit, and landfills that have DEQ approved closure plans in their operating records, will be required to obtain a permit amendment.

5. Receive requests for an extension of the period to begin closure and/or complete closure. Acknowledge receipt, and forward a copy (along with applicable supporting field and compliance information) to the OPM for review, approval, and/or permit modification, as appropriate. All requests for closure extension require prior approval of the Director. The Director has delegated the authority for this approval to the OPM Manager. Additionally, requests for an extension of the period to begin and/or complete closure activities may require a permit modification (i.e., minor amendment).

Note: Landfills with permits that do not include a closure plan as a part of the permit, and do not have a DEQ approved closure plan in the operating record for the facility, (typically the older, one page permits), will not be required to obtain a permit amendment when modifying the closure plan in the operating record to reflect an approved extension to the time allowed for closure activities. Landfills with permits that do include a closure plan as a part of the permit, and landfills that have DEQ approved closure plans in their operating records, will be required to obtain a permit amendment.

6. Receive, acknowledge receipt, and maintain the PE certification of closure of each unit, (required for Sanitary landfills only). Conduct A closure inspection of A closed unit(s). Forward a copy of the PE certification to OPM if technical review is warranted. Technical

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review of the PE certification may be warranted if it appears, during the Aclosure inspection, that the landfill, or unit, has not completed closure in accordance with the current closure plan in the operating record for the facility. Technical review of the PE certification may involve evaluating the closure plan and QA/QC data for the final cap, and thus should be performed by OPM staff.

7. Receive written determinations (i.e., approval/disapproval, etc.), from OPM, regarding alternate final cover design plans, stability calculations, extension to closure activities, PE certifications, and closure plans. Notifies the landfill contact of those determinations, as appropriate.
8. Conduct "routine" quarterly and semi-annual compliance inspections of active and inactive landfills, respectively, to :

- a) ensure that a current closure plan, or amended closure plan is in the operating record.

Note: To determine the adequacy of the closure plan a technical evaluation of the plan may be warranted. This evaluation should be considered for landfills that did not have a closure plan reviewed as part of the Part B permit application process, particularly those with a history of compliance problems. It is strongly recommended that any technical evaluation of a facility's closure plan be conducted in cooperation with OPM.

- b) ensure that the facility has appropriate financial assurance to cover closure, post closure care, and/or liability, as applicable. This information should be available from the Office of Spill Response and Remediation (OSRR).

- c) determine if the landfill has remaining capacity to accept waste shipments.

- d) determine if, and/or when, areas become inactive (i.e., have not received waste within one year).

- e) ensure closure activities have begun within the applicable time frame and in accordance with the closure plan and the VSWMR.

Note: Indicators of when a landfill is to begin closure activities are; 1) NOITC specifies that the facility has accepted (or when the facility will accept) its last waste shipment; 2) a waste disposal area or facility has not received waste within one year; 3) finding that the facility or disposal unit does not have any remaining capacity to accept waste.

9. Notify facility regarding solid waste compliance violations and related concerns.
10. Receive, acknowledge receipt, and maintain a copy of the recorded deed notation following closure of all units (i.e., closure of the site).

Note: This requirement applies to Sanitary, Industrial, and CDD landfills, and should serve as notice to conduct the final on-site closure inspection of the landfill. This final inspection is the basis for making the determination that the landfill is Aofficially= closed in accordance with the closure plan and VSWMR.

11. Conduct "closure" inspections of landfills that have submitted a copy of the recorded deed

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notation and/or a notice that closure has been completed, to ensure that:

- a) the facility has been closed in accordance with the closure plan and the VSWMR,
- b) finished side slopes are stable and configured to adequately control erosion and run-off,

Note: there are exceptions to this requirement as noted in the VSWMR.

- c) the facility has installed a final cover system in accordance with the final closure plan and the VSWMR,

- d) the site has been properly baited for rodent and vector control, if applicable,

- e) vegetative cover has been properly established,

Note: according to the VSWMR, vegetation shall be deemed properly established when it has survived the first mowing and there are no large areas void of vegetation.

- f) at least one sign is posted at the landfill, notifying persons of the landfill closing and providing notice prohibiting further receipt of waste,

- g) suitable barriers to prevent new waste from being deposited into the landfill have been provided,

- h) a survey plat meeting the requirements of the appropriate section of the VSWMR has been submitted to local land recording authority.

12. If assistance is required, coordinate with the OPM to conduct joint closure inspections of landfills that have had their closure plan reviewed by the OPM.

13. Make final determination that landfill unit and/or landfill site is officially closed in accordance with the VSWMR. Provide the owner/operator or facility contact with a notice indicating that determination. Additionally, notify OSRR and OTAW of the determination.

Note: When a landfill unit has closed it may impact the facility's closure cost estimates and financial assurance requirements. As a result, the current cost estimates provided by the facility may no longer be appropriate, (i.e., when a unit has closed, the closure costs for the entire facility may decrease). When a landfill unit has closed, inspectors are to notify OPM to re-evaluate the facility's closure cost, post closure cost, and liability estimates to determine if the closure cost estimates for the facility have changed. If the closure costs have changed, OPM is to determine the new cost estimates in order to ensure that the facility maintains adequate financial assurance at all times. OPM is to provide OSRR with its findings and the new cost estimates, if appropriate, in these cases.

14. Conduct inspections of all previously closed landfills, at least once per year, to determine if the facility is complying with post closure standards.

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15. Refer cases to Regional Waste Enforcement Staff (RWES), in accordance with established Enforcement procedures, as appropriate.
16. Monitor compliance with agreements and/or orders issued by RWES.
17. Submit landfill closure status, date closure plan placed in the operating record, date changes made to current closure plan in operating record, enforcement referral dates and information, and closure compliance information, to Office of Technical Assistance/Waste (OTAW) staff for entry into the central SWMF database. This data should be provided on at least a quarterly basis and is to be used for informational purposes.

B. Regional Offices - Waste Enforcement Staff (RWES)

1. Receive and process cases referred from the RSWCS for violations of the VSWMR closure requirements.
2. Draft compliance agreements, orders, etc. as needed to enforce regulatory and statutory requirements.
3. Refer cases to the Office of Attorney General for resolution, if appropriate.

C. Office of Permitting Management/Solid Waste (OPM)

1. Receive from the landfill, as part of permit application (or permit amendment application), documentation for closure and post closure cost estimates and liability insurance cost estimates. Evaluate the financial assurance mechanisms and supporting documentation, in conjunction with OSRR, to ensure that the landfill has adequate financial assurance in accordance with the Financial Assurance Regulations for Solid Waste Facilities (FAR). Provide OSRR with copies of the financial assurance documents from the permit applications (or permit amendment applications). Provide copies of any changes in financial assurance estimates to OSRR before the change becomes effective.

Note: Changes in the facility's closure plan, whether it requires a permit amendment or not, may impact the facility's closure cost. As a result of changes in the closure plan, the current cost estimates provided by the facility may no longer be appropriate. When a facility's closure plan has changed, OPM is to re-evaluate the facility's closure cost, post closure cost, and liability estimates to determine if the closure cost estimates have changed. If the closure costs have changed, OPM is to determine the new cost estimates in order to ensure that the facility maintains adequate financial assurance at all times. OPM is to provide OSRR with its findings and the new cost estimates, if appropriate, in these cases.

2. Receive, review, makes determination (i.e., approve/disapprove), and prepare written response to alternate final cover design plans forwarded from regional solid waste

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compliance staff (RSWCS). Forwards determination and response to RSWCS and returns plans to RSWCS for filing after review completed. Requests for alternate final cover design may require a permit modification (i.e., major amendment).

Note: For correspondence that is received at OPM (i.e., sent directly to OPM by facility) but is to be forwarded to the regional offices (RO) for handling, OPM staff should acknowledge receipt and notify the facility contact that the correspondence will be handled by the RO and provide the name of a RO contact person in your response.

Note: Landfills with permits that do not include a closure plan as a part of the permit, and do not have a DEQ approved closure plan in the operating record for the facility, (typically the older, one page permits), will not be required to obtain a permit amendment when modifying the closure plan in the operating record to reflect an approved alternate final cover design. Landfills with permits that do include a closure plan as a part of the permit, and landfills that have DEQ approved closure plans in their operating records, will be required to obtain a permit amendment.

3. Receive, review, and prepare written response to closure plans forwarded from RSWCS for technical review. Forwards response and returns plans to RSWCS after review completed.
4. Receive, review, makes determination (i.e., approval/disapproval), and prepares written response to requests, for an extension of the period to begin closure and/or complete closure, which are forwarded by the RSWCS. Forwards determinations and response to RSWCS and returns requests to RSWCS for filing after review completed. Requests for an extension of the period for beginning and/or completing closure activities may require a minor permit amendment).

Note: Landfills with permits that do not include a closure plan as a part of the permit, and do not have a DEQ approved closure plan in the operating record for the facility, (typically the older, one page permits), will not be required to obtain a permit amendment when modifying the closure plan in the operating record to reflect an approved extension to the time allowed for closure activities. Landfills with permits that do include a closure plan as a part of the permit, and landfills that have DEQ approved closure plans in their operating records, will be required to obtain a permit amendment.

5. Receive, review, makes determination, and prepares written response to stability calculations for finished side slopes steeper than 33% forwarded from RSWCS. Forwards determinations and response to RSWCS and returns submitted information to RSWCS after review.
6. To reduce the time spent handling requests, correspond directly with landfill contacts regarding alternate final cover design plans, stability calculations, extensions to time allowed for closure activities, and closure plans forwarded by RSWCS. Make final determination on these items and notifies RSWCS, in writing, of final determination. Provides a copy of all related correspondence to RSWCS for filing.

Note: With the exception of issuing permits and permit amendments, the OPM is not to notify the landfill of final determinations regarding landfill closure issues. The Regional Offices are responsible for notifying the landfill of any decisions, (other than permit issues), that involve landfill closure activities.

7. The OPM Manager approves or disapproves alternate final cover design plans and requests for extensions to the time allowed for closure activities. Notifies RSWCS, in writing, of final determination (i.e., approval/disapproval).

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9. Modify landfill's SWMF permit, as applicable, in regards to changes to closure plans, creation of a new landfill as a part of closure, and/or addition of new storage or treatment units to be used, temporarily, for closure activities. Issues permit amendments directly, as applicable. Provides a copy of issued permit amendments to RSWCS and OTAW.
10. Notify RSWCS and OTAW staff of permit modifications, final determinations, and/or status of review, regarding forwarded alternate final cover design plans, stability calculations, extension to closure activities, and closure plans.
11. For landfills that have had their closure plans reviewed, conduct joint closure inspections of those SWMFs in conjunction with RSWCS if requested by RSWCS.

D. Office of Technical Assistance/Waste (OTAW)

1. Receive from the RSWCS, information regarding SWMF closure status and compliance determinations of closed and/or closing SWMF's (i.e., facility's official activity status, receipt of NOITC, PE certification, etc., and compliance with closure requirements).
2. Receive from the OPM, notification of permit modifications, final determinations regarding alternate final cover design plans, stability calculations, closure extensions, and closure plans.
3. Receive from the RWES, notification of all enforcement actions, compliance agreements, orders, etc. issued to SWMFs.
4. Input closure status, permit amendments, final determinations, enforcement referral, and compliance information into the central SWMF compliance database and maintain the database.
5. Provide the RSWCS, OPM, RWES, and other DEQ staff with database information regarding SWMF closure compliance status once a year, or as requested.
6. Provide the RSWCS with technical assistance and support regarding interpretation and/or implementation of closure compliance standards and policy.
7. Provide information for FOIA and other inquiries regarding SWMF closure status and related information maintained on the database that cannot be handled at the regional level.

E. Office of Spill Response and Remediation (OSRR)

1. Receive, acknowledge, maintain, evaluate, and process the Closure, Post-Closure, Liability, and other appropriate FADs from SWMFs. Evaluation of FADs from new permits and/or permit amendments should be coordinated with OPM.
2. Maintain custody of original FADs from facilities and financial institutes.

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3. Coordinate with RSWCS and OPM to determine if SWMF is in compliance with the FAR and to determine if it is appropriate to release original FADs back to SWMF.
4. Provide RSWCS, OPM, and OTAW with information regarding SWMF financial assurance cost estimates provided on FADS and status of FADs once a year, or as requested.
5. If appropriate, sends original FADs back to landfill or financial institution.

F. Director of Waste Operations

1. Functions of the Director regarding approval of alternate final cover design and extension of time for closure activities have been formally delegated to the OPM Manager, currently Leslie Romanchik.
2. Functions of the Director regarding permit amendments pertaining to closure related activities have been formally delegated to the OPM Manager, currently Leslie Romanchik.